

Application No.: 10/683,618

Amendment dated January 18, 2005

Reply to Office action of October 18, 2004

**Remarks/Arguments:**

**For 35 USC 112 Claim Rejections:**

Claim 1, lines 4-5, were regarded as indefinite for not clearly stating what structure was intended by the flexible layer "characterized by at least one flexible armature." The detailed description of the patent application, page 8, paragraph 0013, second sentence, says: "At least one flexible armature 40 is cut out, or otherwise formed in the magnetic flexible layer, to create a flap that will lie at least partially below the opening 38 in the magnetic coupler layer. The flap is, substantially, the flexible armature." The at least one flexible armature 40 can be clearly seen in Fig. 7, and cross-sectional views are provided in Figs. 5 and 6. Paragraphs 0014 and 0015 (page 9) provide additional description of the at least one flexible armature.

Applicant regards the claim language as being consistent with the detailed description. The detailed description clearly states the structure intended by the "at least one flexible armature", so applicant requests reconsideration of the 35 USC 112 claim rejection.

Claim 8, line 3, was indefinite for not clearly stating what limitation was intended by "properly positioned." This error has been corrected by removing the indefinite term "properly" from claim 8. A marked-up and a clean copy of the claims are attached.

**For 35 USC 103 Claim Rejections:**

Claims 1-4 and 6-8 have been regarded as obvious when compared to Reism [US 4,513,271] in view of Kobayashi [US 5,243,162]. Although Reism disclosed many structures that are similar to the applicant's, Reism did not teach or suggest having a flexible armature that is integrally formed out of a portion of a switch layer. On page 8 of the patent application, paragraph 0013, second sentence, applicant states that: "At least one flexible armature 40 is cut out, or otherwise formed in the magnetic flexible layer, to create a flap that will lie at least partially below the opening 38 in the magnetic coupler layer." Because Reism's flexible armature is not integral to a switch layer, Reism's flexible armature is susceptible to shifting in relation to the magnetic coupler layer. Depending on the thickness of Reism's armature material, it is conceivable, even likely, that simultaneous manipulation of both ends of Reism's switch assembly will cause the sheet magnet material to completely separate from the coupler face plate, hover about, and then be magnetically attracted to a different location upon release of the actuation forces. In column 5, lines 30-35, and in column 6, lines 28-32, Reism has suggested using adhesive to prevent such an unintended shifting of the sheet magnet armature. Applicant's design has overcome this shifting problem without the use of an adhesive.

With regard to Kobayashi's spacer means, the abstract of Kobayashi clearly summarizes a different structure: "...and a spacer provided between the paired glass sheets to establish a given gap therebetween. The spacer is made of a dispersion which comprises an adhesive resin, spherical fine particle of a transparent resin, and hard fine particles of glass fibers having substantially the same diameter as a size of the spherical fine particles." In no way does Kobayashi suggest debossing one of the glass sheets, and if the spacer means described by

Kobayashi were included on the armature portion of Reism, adhesive would be used. In claim 1, the applicant has debossed the spacer means into the magnetic flexible layer without the use of adhesive. Unlike the applicant's switch, the spacer means in prior art is a separate piece or layer that is not integrally formed into the same layer as the armature. It would not be obvious to one skilled in the art to deboss the spacer means directly into the magnetic flexible layer, as taught by the applicant. Applicant requests reconsideration of the 35 USC 103 claim rejection.

Claims 1-20 remain in this application. Claims 9-20 have been withdrawn as the result of an earlier restriction requirement. Applicant retains the right to present claims 9-20 in a divisional application

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,



Scott A. Hill  
Registration No. 48899

Scott A. Hill  
7035 N 23 Ave  
Phoenix AZ 85021  
Phone (602) 361-6787  
Fax (602) 995-0757

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